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BEYER WEAVER & THOMAS LLP P.O. BOX 778 BERKELEY, CA 94704-0778			SHAFFER, ERIC T	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/550,706

Applicant(s)

TAM ET AL.

Examiner

Eric T. Shaffer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 and 23-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 23-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12 & 13.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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### **DETAILED ACTION**

1. This communication is in response to the amendments filed March 15, 2004.

#### ***Summary of Instant Office Action***

2. Applicant's arguments, filed March 15, 2004, concerning claims 1 - 36 in the Office Action mailed Nov. 20, 2003, have been considered and are deemed unpersuasive.

Claim 22 has been cancelled by the applicant and no new claims have been added.

Claims 1, 9, 13, 14, 20, 25 and 29 have been amended.

#### ***Drawings***

3. The drawings in this application are objected to by the Draftsperson as informal. Any drawing corrections requested, but not made in the prior application should be repeated in this application if such changes are still desired. If the drawings were changed and approved during the prosecution of the prior application, a petition may be filed under 37 CFR 1.182 requesting the transfer of such drawings, provided the parent application has been abandoned. However, a copy of the drawings as originally filed must be included in the 37 CFR 1.60 application papers to indicate the original content.

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*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1 – 21 and 23 - 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ralston et al. (U.S. P.N. 6,389,454) in view of Dean et al. (U.S. P.N. 6,167,379).

As per claim 1, Ralston et al. discloses a method for providing an on-line appointment between a user and a service provider over a network, said method comprising:

(a) receiving a request for appointment availability of the service provider during a time period (see abstract, column 2, lines 53-62, and column 4, lines 46-49, an appointment request is made of the service provider for a specific time period);

(b) determining available appointment times within the time period for the service provider through use of a central appointments server having access to a central appointment database (see figures 2 and 3, abstract, column 4, lines 17-35, column 5, lines 17-60, and column 7, lines 21-35, the available appointment times within the time period for the service provider are determined through a central server which has access to the various facilities or service provider's information);

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(c) transmitting the available appointment times to the user (see column 5, lines 61-67, through column 6, lines 1-12, the available appointment times are transmitted to the user);

(d) receiving a selected appointment time from the available appointment times (see column 5, lines 61-67, through column 6, lines 1-12, the user receives the available appointment times); and

(e) setting the on-line appointment between the user and the service provider at the selected appointment time (see column 6, lines 3-27, the on-line appointment is set).

Wherein said method is implemented by an entity other than the service provider or the user “a computer implemented multi-facility scheduling system which enables a remote scheduler to arrange client appointments for a variety of services”, (column 2, lines 31 - 33), wherein said entity being the remote scheduler.

Wherein the user can schedule the appointment through any computer as long as the computer can access the Internet with a browser (“receiving the packet of client information is accomplished via the Internet, a local area network, or a wide area network”, column 3, lines 43 - 44), wherein any computer that receives a packet of information via the Internet is inherently able to access the Internet through a browser, as using a browser is an old and very well known means for accessing the Internet.

Ralston teaches an appointment scheduling system that employs a central schedule server that contains data of scheduled appointments and times that are freely available for scheduling appointments at a plurality of service providers. Ralston et al. does not explicitly disclose displaying said data in a calendar format. It would be

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obvious to do this because appointment scheduling dates and data lends itself to a calendar format for ease of use by an appointment seeker. However, Dean et al. teaches an appointment scheduling system that schedules appointments on a calendar and providing calendars to various users (see abstract, and column 2, lines 15-21, and 42-56). Both are analogous are because both inventions teach a network based appointment scheduling system that allows a user to choose an appointment from a list of appointments. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have Ralston et al.'s on-line appointment system have an electronic calendar for each of the service providers and users as it would allow their appointments to be easily displayed. It would be obvious to do this because human beings are accustomed to using a calendar interface in order to know what dates and times are available for appointments. Said interface would make the Ralston device more user friendly and allow users to at a glance know what times are available, thereby allowing the person scheduling an appointment to more quickly and efficiently schedule an appointment.

As per claim 2, Ralston et al. discloses a method as recited in claim 1, wherein the time period is a day (see abstract, and column 5, lines 41-50, the appointments are made for a specific time during the day).

As per claim 3, Ralston et al. discloses a method as recited in claim 1, Wherein said receiving said receiving (a) of the request for appointment availability includes a time duration for the on-line appointment (see column 5, lines 6167, through column 6, lines 1-12, the user receives the available appointment times), and

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Wherein said determining (b) of the available appointment times are those times during the time period that the service provider is available for at least the time duration (see column 5, lines 17-67, through column 6, lines 1-12, the available appointment times are times that the service provider is available for at least that time duration).

As per claim 4, Ralston et al. discloses a method as recited in claim 1, wherein said setting (e) comprises:

(e1) transmitting verification information for the on-line appointment to the user (see column 6, lines 17-24, verification information is transmitted);

(e2) receiving a verification of the verification information for the on-line appointment; (see column 6, lines 17-24, verification information is transmitted) and (e3) subsequently setting the on-line appointment between the user and the service provider at the selected appointment time when the verification has been received (see column 6, lines 17-24, verification information is transmitted and the appointment is set).

As per claim 5, Ralston et al. discloses a method as recited in claim 1, wherein said setting (e) of the on-line appointment sets a requested online appointment, and wherein said method further comprises: (f) subsequently receiving a confirmation for the requested on-line appointment (see column 6, lines 17-24, a confirmation is received).

As per claim 6, Ralston et al. discloses a method as recited in claim 5, wherein said method further comprises: (g) updating the requested on-line appointment to a confirmed on-line appointment after the confirmation has been received (see column 6, lines 17-27, the appointment is confirmed).

As per claim 7, Ralston et al. discloses a method as recited in claim 5, wherein the time period is a predetermined day (see abstract, and column 5, lines 41-50, the

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appointments are made for a specific time during the day), and wherein the network is the Internet (see column 4, lines 17-49, the network is the Internet).

As per claim 8, Ralston et al. discloses a method as recited in claim 1, wherein said method further comprises: (f) subsequently rendering the selected appointment time for the service provider unavailable (see column 5, lines 58-59, the appointment time is inherently rendered unavailable as the appointment times are chosen from the time that the service provider is available).

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As per claim 9, Ralston et al. discloses a method for providing an on-line appointment over a network, said method comprising:

(c) receiving a request for appointment availability of a selected one of the available service providers (see abstract, column 2, lines 53-62, and column 4, lines 4649, an appointment request is made of the service provider for a specific time period);

(d) determining available time slots for the selected one of the available service providers (see abstract, and column 5, lines 17-60, the available appointment times within the time period for the service provider are determined);

(e) transmitting the available time slots to the user (see column 5, lines 61-67, through column 6, lines 1-12, the available appointment times are transmitted to the user);

(f) receiving a time slot selection from the available time slots to establish an appointment with the selected one of the available service providers (see column 5, lines 61-67, through column 6, lines 1-12, the user receives the available appointment times);



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wherein said method further includes requesting the user to enter information for the appointment after the user and the selected one of the available service providers have established the appointment at the selected time slot ("A client may connect to the scheduling server via the method discussed above and, once connected, may notify the scheduling server of his appointment number, at which time the scheduling server will locate the appointment information generated when the appointment was scheduled. Once the appointment information is retrieved, the scheduling server will provide the client with options regarding the appointment, including without limitation confirmation, cancellation, and modification. If the client wishes to cancel the appointment, the scheduling server will notify the facility at which the appointment is scheduled to occur, in order that the facility can remove whatever restrictions were placed upon it, in terms of resources, by the scheduling of the appointment, thus freeing up those resources for a different client's use. Should the client wish to reschedule the appointment, the scheduling server will obtain from the client a new set of client appointment preference data and will, in the same manner described above, generate a new set of appointment candidates from which the client may select in order to reschedule his appointment", column 6, lines 31 - 51), where the information entered for the appointment after the appointment is made is the appointment number. Entering the choice to confirm, cancel or modify the appointment also adds new information. Also, the addition of new information is also inherent in the modification of an appointment, since new information must be entered in order to modify an appointment.

Ralston et al. does not explicitly disclose (b) transmitting a list of available service providers to the user. However, it is old and well known in the art to transmit a

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list of available service providers to a user. Therefore, it would have been obvious to one of ordinary skill in the art to disclose transmitting a list of available service providers to the user as it allows the user to easily access the different service providers to schedule appointments using Ralston et al.'s online scheduling system.

Ralston et al. does not explicitly disclose (g) updating the user's electronic calendar with the appointment; and (h) updating an electronic calendar for the selected one of the available service providers with the appointment. However, Dean et al. does disclose updating the users and service providers' calendars with the appointment (see abstract, and column 2, lines 15-21, and 42-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have Ralston et al.'s on-line appointment system have an electronic calendar where the calendar would be updated to display an appointment as it is a written reminder for both the user and the service provider of the appointment.

As per claim 10, Ralston et al. discloses a method as recited in claim 9, wherein the request for appointment availability includes a time period (see column 5, lines 61-67, through column 6, lines 1-12, the request for appointment availability includes a time period), and wherein said determining (d) determines the available time slots for the time period (see column 5, lines 17-67, through column 6, lines 1-12, the available appointment times are times that the service provider is available).

As per claim 11, Ralston et al. discloses a method as recited in claim 10, wherein the time period is a day (see abstract, and column 5, lines 41-50, the appointments are made for a specific time during the day).

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As per claim 12, Ralston et al. discloses a computer readable medium including computer code for providing an on-line appointment between a user and a service provider over a network, said computer readable medium comprising:

computer program code for receiving a request for appointment availability of the service provider (see abstract, column 2, lines 53-62, and column 4, lines 46-49, an appointment request is made of the service provider for a specific time period);

computer program code for determining available appointment slots for the service provider through use of a central appointments server having access to a central appointment database that stores a calendar for at least the service provider (see figures 2 and 3, abstract, column 4, lines 17-35, column 5, lines 17-60, and column 7, lines 21-35, the available appointment times within the time period for the service provider are determined through a central server which has access to the various facilities or service provider's information);

computer program code for transmitting the available appointment slots to the user (see column 5, lines 61-67, through column 6, lines 1-12, the available appointment times are transmitted to the user);

computer program code for receiving a selected appointment slot from the available appointment slots (see column 5, lines 61-67, through column 6, lines 1-12, the user receives the available appointment times); and

computer program code for setting the on-line appointment between the user and the service provider at the selected appointment slot, the on-line appointment initially having a pending status (see column 6, lines 3-27, the on-line appointment is set).

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computer program code for enabling the service provider to confirm the on-line appointment which has been requested by the user (“an appointment confirmer for confirming the appointment in the scheduling server”, column 3, lines 33 - 35) and then altering the on-line appointment from the pending status to a confirmed status as controlled by the service provider, “confirms the appointment with the facility at which the appointment is scheduled to occur”, (column 6, lines 22 - 23), wherein the control of the confirmation of the appointment by the service provider facility is inherent in the process of confirmation, as confirmation requires agreement by two parties, both of which must use computer program code to facilitate usage of the taught system.

Ralston et al. does not explicitly disclose a central appointment database that stores calendars for various providers. However, Dean et al. discloses scheduling appointments on a calendar and providing calendars to various users (see abstract, and column 2, lines 15-21, and 42-56). Both are analogous are because both inventions teach a network based appointment scheduling system that allows a user to choose an appointment from a list of appointments. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have Ralston et al.'s on-line appointment system have an electronic calendar for each of the service providers and users as it would allow their appointments to be easily displayed.

As per claim 13, Ralston et al. discloses a computer readable medium including computer code for providing an on-line appointment over a network, said computer readable medium comprising:

computer program code for receiving a request for appointment availability of a selected one of the available service providers (see abstract, column 2, lines 53-62, and

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column 4, lines 46-49, an appointment request is made of the service provider for a specific time period);

computer program code for determining available time slots for the selected one of the available service providers (see abstract, and column 5, lines 17-60, the available appointment times within the time period for the service provider are determined);

computer program code for transmitting the available time slots to the user (see column 5, lines 61-67, through column 6, lines 1-12, the available appointment times are transmitted to the user);

computer program code for receiving a time slot selection from the available time slots to establish an appointment with the selected one of the available service providers (see column 5, lines 61-67, through column 6, lines 1-12, the user receives the available appointment times);

wherein said method further includes requesting the user to enter information for the appointment after the user and the selected one of the available service providers have established the appointment at the selected time slot ("A client may connect to the scheduling server via the method discussed above and, once connected, may notify the scheduling server of his appointment number, at which time the scheduling server will locate the appointment information generated when the appointment was scheduled. Once the appointment information is retrieved, the scheduling server will provide the client with options regarding the appointment, including without limitation confirmation, cancellation, and modification. If the client wishes to cancel the appointment, the scheduling server will notify the facility at which the appointment is scheduled to occur, in order that the facility can remove whatever restrictions were placed upon it, in terms of

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resources, by the scheduling of the appointment, thus freeing up those resources for a different client's use. Should the client wish to reschedule the appointment, the scheduling server will obtain from the client a new set of client appointment preference data and will, in the same manner described above, generate a new set of appointment candidates from which the client may select in order to reschedule his appointment", column 6, lines 31 - 51), where the information entered for the appointment after the appointment is made is the appointment number. Entering the choice to confirm, cancel or modify the appointment also adds new information. Also, the addition of new information is also inherent in the modification of an appointment, since new information must be entered in order to modify an appointment.

Ralston et al. does not explicitly disclose computer program code for transmitting a list of available service providers to the user. However, it is old and well known in the art to have computer program code that transmits a list of available service providers to a user. Therefore, it would have been obvious to one of ordinary skill in the art to disclose transmitting a list of available service providers to the user as it allows the user to easily access the different service providers to schedule appointments using Ralston et al.'s online scheduling system.

Ralston et al. does disclose setting an online appointment (see column 6, lines 3-27). Ralston et al. does not explicitly disclose computer program code for transmitting a user's electronic calendar to a user; computer program code for updating the user's electronic calendar with the appointment; and computer program code for updating an electronic calendar for the selected one of the available service providers with the

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appointment. However, Dean et al. does disclose updating the users and service providers' calendars with the scheduled appointments (see abstract, and column 2, lines 15-21, and 42-56). Both are analogous are because both inventions teach a network based appointment scheduling system that allows a user to choose an appointment from a list of appointments.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have Ralston et al.'s on-line appointment system have an electronic calendar where the calendar display would be updated as it is a written reminder for both the user and the service provider of the appointment.

As per claim 14, Ralston et al. discloses a method for doing business over a global computer network, said method comprising:

(a) registering service providers over the global computer network to identify at least offered services, appointment hours, contact information for the registered service providers (see column 5, lines 17-50, the service providers information is provided over the global network); and

(c) registering individuals over the global computer network (see column 4, lines 50-64, the individual's information is sent over the global information network).

wherein the registered individuals are only shown the time periods the certain of the registered service providers are available when the registered individuals are scheduling the appointments ("the scheduling server then communicates the various appointment candidates directly to the client", column 5, lines 62 - 65),

Wherein said method is implemented by a third-party entity other than the registered service provider or the registered individual "a person acting on the client's

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behalf, to obtain a variety of scheduling options in order to effectively and efficiently schedule appointments”, (column 2, lines 38 - 40).

Wherein the individuals can schedule the appointments through any computer as long as the computer can access the Internet with a browser (“receiving the packet of client information is accomplished via the Internet, a local area network, or a wide area network”, column 3, lines 43 - 44), wherein any computer that receives a packet of information via the Internet is inherently able to access the Internet through a browser, as using a browser is an old and very well known means for accessing the Internet.

Ralston et al. does disclose setting an online appointment (see column 6, lines 3-27). Ralston et al. does not explicitly disclose (b) providing an on-line calendar for each of the registered service providers; (d) providing an on-line calendar for each of the registered individuals; and (e) setting of appointments with certain of the registered service providers when the appointment have been requested by any of the registered individuals, and for each appointment being set, said setting (e) at least places appointment indications on the on-line calendars of the associated one of the registered service providers and the associated one of the individuals. However, Dean et al. does disclose updating the users and service providers' calendars with the scheduled appointments (see abstract, and column 2, lines 15-21, and 42-56). Both are analogous are because both inventions teach a network based appointment scheduling system that allows a user to choose an appointment from a list of appointments. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have Ralston et al.'s on-line appointment system have an electronic calendar where the



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calendar display would be updated as it is a written reminder for both the user and the service provider of the appointment.

As per claim 15, Ralston et al. and Dean et al. disclose a method as recited in claim 14, wherein said providing (d) provides the on-line calendars for each of the registered individuals without cost to the registered individuals. However, it is old and well known in the art to not charge users for using an appointment software system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to not charge users for the automated scheduling system as the purpose of this system is to benefit the service provider by encouraging more users to use their services.

As per claim 16, Ralston et al. and Dean et al. disclose a method as recited in claim 15. Ralston does not explicitly disclose (b) provides the on-line calendars for each of the registered service providers for a fee. However, it is old and well known in the art to charge service providers with a fee for using an appointment software system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose charging service providers a fee for the automated scheduling system as one often has to pay for services rendered by a machine or automated system.

As per claim 17, Ralston et al. discloses a method as recited in claim 14. Ralston et al. discloses setting an appointment (see abstract, and column 5, lines 61-67, through column 6, lines 1-27). Ralston et al. does not explicitly teach wherein the registered service providers are provided in an on-line directory, and wherein during said setting (e) of the appointments, the registered individuals are able to locate appropriate service providers using the on-line directory. However, it is old and well known in the art to have a list of all available service providers for a user. Therefore, it would have been

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obvious to one of ordinary skill in the art to disclose an on-line list of available service providers for the user as it allows the user to easily access the different service providers to schedule appointments using Ralston et al.'s online scheduling system.

As per claim 18, Ralston et al. discloses a method as recited in claim 17. Ralston et al. does not explicitly disclose wherein the website provides on-line calendars, and wherein as on-line appointments are made, the on-line calendars of the users are automatically updated. However, Dean et al. discloses on-line calendars wherein the calendars are automatically updated to display on-line appointments (see abstract, and column 2, lines 15-21, and 42-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose Ralston's on-line appointment system using calendars and updating them to display scheduled appointments as it is a reliable way for the one to keep track and remember their scheduled appointments.

As per claim 19, Ralston et al. discloses a method as recited in claim 18. Ralston et al. also discloses the various types of on-line appointments that can be scheduled by the user (see column 4, lines 65-57, through column 5, lines 1-16). Ralston et al. does not explicitly disclose wherein the on-line appointments have a duration, and wherein the duration of the on-line appointments is determined by a type of appointment. However, it is old and well known in the art that different types of appointments take a different amount of time to complete. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose that the type of appointment determines the duration of the on-line appointment as this would allow the service provider to more precisely allocate their time.

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As per claim 20, Ralston et al. discloses an on-line appointment system that supports a large number of users in making appointments over the Internet, comprising: an appointment server coupled to the network (see column 4, lines 17-49, the appointment server is coupled to a network);

an appointment database coupled to said appointment server, wherein said appointment server and said appointment database together provide storage and access for users and provide assistance to users to request appointments with one or more service providers and provide assistance to users to request appointments with one or more service providers and thereafter permit confirmation, by the one or more service providers of the appointments that have been requested with the one or more service providers (see column 5, lines 17-67, through column 6, lines 1-24, the users can request appointments and confirm them with the service providers).

wherein said system further comprises a synchronization application that provides for automated review of the appointments that have been requested to determine whether the requested appointments conflict with entries in a local software calendar of at least one service provider, and automatically synchronizes a calendar of the at least one service provider in the appointment database with the local software calendar. However, this functionality is performed by the Ralston system, in which ("facilities communicate their availability back to the scheduling server", column 5, lines 60 -61), and ("the scheduling server communicates the various appointment candidates directly to the client", column 5, lines 64 - 65), and ("if the client wishes to select one of the appointment candidates, the client so notifies the scheduling server. If the client does not want to select any of the appointment candidates, an alternative set of appointment candidates is generated in the

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same manner as the initial set of candidates”, column 5, line 65 – column 6, line 3) and where (“upon receipt of the client's notification as to which appointment candidate the client wishes to select, the scheduling server communicates the notification to the selected facility and the facility's remote schedule server”, column 6, lines 3 – 6). The Ralston system of reviewing available appointment, suggesting appointments, receiving requested appointments, and confirming appointments performs the same functionality as is claimed by the applicant's invention.

Ralston et al. does not explicitly disclose the use of calendars or the automatic synchronization of a service provider calendar with the appointment database of a local service provider.

However, Dean et al. discloses reconciliation of scheduling calendars (“a method for reconciling two separately maintained calendars”, column 6, lines 49 - 50) where (“if a scheduling conflict exists with the proposed scheduling update, in step 56, it is determined whether to accept or reject the proposed scheduling update. If it is decided to reject the proposed update, in step a rejection message is transmitted to the computer. As noted above, the decision whether to accept or reject the update can be performed by the CPU”, column 6, line 66 – line 5), where the synchronization occurs as (“the CPU is also directed to cause the transmitter to transmit the scheduling update information to the computer to reconcile the computer calendar”), wherein reconcile is a form of synchronization.

Both are analogous are because both inventions teach a network based appointment scheduling system that allows two or more schedules to be compared and if

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an available time slot is open on both systems, an appointment can be made on both systems.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have Ralston et al.'s on-line appointment system have an electronic calendar as it is a written reminder for both the user and the service provider of the appointment.

As per claim 21, Ralston et al. and Dean et al. disclose an on-line appointment system as recited in claim 20. Ralston et al. also disclose confirmations for appointments (see column 6, lines 17-24). Ralston et al. did not explicitly disclose wherein said appointment server also provides reminders for confirmed appointments. However, it is old and well known in the art to provide reminders. Therefore, it would have been obvious to one of ordinary skill in the art to disclose reminders for confirmed appointments as it is a common and user-friendly feature that reminds the user of their scheduled appointment.

As per claim 23, Ralston et al. discloses an on-line appointment system as recited in claim 20, wherein the users include consumers and service providers (see abstract, this automated system is for consumers and service providers). Ralston et al. disclose various service providers at various locations (see column 2, lines 30-46, the user may have appointments with different service providers). Ralston et al. do not explicitly disclose wherein said on-line appointment system further comprises a business directory of service providers. However, it is old and well known in the art to have a business directory when there is more than one service provider. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the on-line

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appointment system further comprise a business directory of service providers as it allows the customer to easily locate the various service providers and easily schedule appointments.

As per claim 24, Ralston et al. discloses an on-line appointment system as recited in claim 20. Ralston et al. discloses the consumer entering personal information (see column 4, lines 50-64). Ralston et al. does not explicitly disclose wherein said appointment database further stores user information for consumers and service providers to reduce subsequent data entry. However, storing information about the user and service provider is old and well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have stored the consumer and service provider information as it makes the system more comprehensive as the consumer and the provider do not have to keep re-entering their information every time an appointment is scheduled.

As per claim 25, Ralston et al. discloses a method for making on-line appointments over a computer network that allows making appointments over the Internet, said method comprising:

(a) registering as a user of an on-line appointment system, said registering providing a user name, contact information, and appointment availability information for the user, the appointment availability information indicating days and times during which the user is generally available to receive appointments (see column 4, lines 50-64, the user provides contact information and appointment time preferences);

(c) scheduling appointments between users, said scheduling (c) including

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at least (c1) receiving an appointment request from a first registered user requesting an appointment with a second registered user (see column 5, lines 17-67, through column 6, lines 1-27, an appointment time and date are selected and scheduled); and

(c2) selecting an appointment date and time for the appointment in accordance with the appointment availability information for the second registered user and non-conflicting with any other previously scheduled appointments or events in the on-line calendar of the second registered user (see column 5, lines 17-67, through column 6, lines 1-27, an appointment time and date are selected).

Wherein the individuals can schedule the appointments through any computer as long as the computer can access the Internet with a browser ("receiving the packet of client information is accomplished via the Internet, a local area network, or a wide area network", column 3, lines 43 - 44), wherein any computer that receives a packet of information via the Internet is inherently able to access the Internet through a browser, as using a browser is an old and very well known means for accessing the Internet.

Ralston et al. discloses scheduled appointments or events for the respective user (see column 5, lines 61-67, through column 6, lines 1-27). Ralston et al. does not explicitly disclose (b) maintaining on-line calendars for the registered users. However, Dean et al. discloses the use of calendars in scheduling appointments (see abstract, and column 2, lines 15-21, and 42-56). Both are analogous are because both inventions teach a network based appointment scheduling system that allows a user to choose an appointment from a list of appointments. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have Dean et al.'s on-line calendars for scheduling appointments in Ralston et al.'s system

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as it allows a both users to quickly and efficiently access their appointment times and other needed information.

As per claim 26, Ralston et al. discloses a method as recited in claim 25, wherein said scheduling (c) further comprises: (c3) scheduling the appointment for the first registered user and the second registered user at the selected appointment date and time (see column 5, lines 61-67, through column 6, lines 1-27, the appointments are scheduled).

As per claim 27, Ralston et al. discloses a method as recited in claim 25, wherein said scheduling (c) further comprises:

(c3) tentatively scheduling the appointment for the first registered user and the second registered user at the selected appointment date and time (see column 5, lines 1-67, through column 6, lines 1-12, the appointment is scheduled at a specific date and time); and

(c4) subsequently confirming the scheduled appointment by the second registered user (see column 6, lines 17-24, a confirmation is received).

As per claim 28, Ralston et al. discloses a method as recited in claim 25, wherein said scheduling (c) further comprises:

(c3) tentatively scheduling the appointment for the first registered user and the second registered user at the selected appointment date and time (see column 5, line 61-67, through column 6, lines 1-12, the appointment is scheduled);

(c5) subsequently confirming the scheduled appointment by the second registered user (see column 6, lines 17-24, a confirmation is received); and



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(c4) providing the scheduled appointment as a tentative appointment of the first registered user and the second registered user (see column 5, lines 61-67, through column 6, lines 1-12, the appointment is scheduled);

(c6) thereafter updating the scheduled appointment from the tentative appointment to a confirmed appointment of the first registered user and the second registered user (see column 6, lines 17-24, the scheduled appointment is confirmed).

Ralston et al. does not explicitly disclose on-line calendars. However, Dean et al. discloses scheduling appointments using on-line calendars (see abstract, and column 2, lines 15-21, and 42-56). Both are analogous are because both inventions teach a network based appointment scheduling system that allows a user to choose an appointment from a list of appointments. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have Dean et al.'s on-line calendars for scheduling appointments in Ralston et al.'s system as it allows a both users to quickly and efficiently access their appointment times and other needed information.

As per claim 29, Ralston et al. discloses a computer implemented method for providing on-line appointment services over a global computer network that allows making appointments over the Internet, said method comprising:

scheduling on-line appointments between users and the service providers over the global computer network based on the availability information (see column 5, lines 17-27, through column 6, lines 1-17, the appointments between users and service providers is based on availability information).

Wherein the individuals can schedule the appointments through any computer as long as the computer can access the Internet with a browser ("receiving the packet of

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client information is accomplished via the Internet, a local area network, or a wide area network", column 3, lines 43 - 44), wherein any computer that receives a packet of information via the Internet is inherently able to access the Internet through a browser, as using a browser is an old and very well known means for accessing the Internet.

Ralston et al. does disclose providing appointment availability information for the service providers (see column 5, lines 17-60, the service providers provide their availability information).

Ralston et al. does not explicitly disclose registering service providers for on-line appointments over the global computer network, said registering providing appointment availability information for the registered service providers. However, it is old and well known in the art to have service providers register for a scheduling system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the service providers register as it allows the system to having scheduling information about the provider in order to match the customer to an appointment time as disclosed in Ralston et al.'s system.

As per claim 30, Ralston et al. discloses a method as recited in claim 29, wherein said registering of the service providers over the global computer network identifies at least offered services, available appointment times, contact information for the registered-service providers (see column 5, lines 17-60, the service providers information is given over the computer network).

As per claim 31, Ralston et al. discloses a method as recited in claim 29. Ralston et al. discloses users providing information over the global network to schedule an appointment (see column 4, lines 46-64). Ralston et al. does not explicitly disclose

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registering users for on-line calendars over the global computer network. However, Dean et al. discloses scheduling appointments using on-line calendars (see abstract, and column 2, lines 15-21, and 42-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have Dean et al.'s on-line calendars for scheduling appointments in Ralston et al.'s system as it allows a both users to quickly and efficiently access their appointment times and other needed information.

As per claim 32, Ralston et al. discloses a method as recited in claim 31. Ralston et al. does not explicitly disclose wherein said method further comprises: providing an on-line calendar for each of the registered users and the registered service providers. However, Dean et al. discloses an on-line calendar for users and service providers (see abstract, and column 2, lines 15-21, and 42-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have Dean et al.'s on-line calendars for scheduling appointments in Ralston et al.'s system as it allows a users to quickly and efficiently access their appointment times and other needed information.

As per claim 33, Ralston et al. discloses a method as recited in claim 32. Ralston et al. does not disclose scheduling the on-line appointments includes placing appointment indications on the on-line calendars of the associated ones of the registered service providers and the users. However, Dean et al. discloses scheduling appointments using on-line calendars (see abstract, and column 2, lines 15-21, and 4256). It is old and well known in the art to place appointment indicators on calendars to show that an appointment is scheduled during a specific time period. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have Dean et al.'s on-line calendars have appointment indication for scheduled appointments using

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Ralston et al.'s system as it allows users to quickly and efficiently access and remember their appointment times by viewing their calendar.

As per claim 34, Ralston et al. discloses a method as recited in claim 32. Ralston et al. does not explicitly disclose wherein said providing of the on-line calendars and said scheduling of the on-line appointments are without cost to the users. However, it is old and well known in the art to not charge users for using an appointment software system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to not charge users for the automated scheduling system as the purpose of this system is to benefit the service provider by encouraging more users to use their services.

Ralston et al. also does not explicitly disclose wherein at least one of said registering, said providing of the on-line calendars and said scheduling of the on-line appointments is fee-based to the service providers. However, it is old and well known in the art to charge service providers with a fee for using an appointment software system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose charging service providers a fee for the automated scheduling system as one often has to pay for services rendered by a machine or automated system.

As per claim 35, Ralston et al. discloses a method as recited in claim 29. Ralston et al. does not explicitly disclose wherein said method further comprises providing an on-line directory of service providers. However, it is old and well known in the art to have an on-line directory of available service providers. Therefore, it would have been obvious to one of ordinary skill in the art to disclose an on-line directory of available

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service providers as it allows the user to easily access the different service providers to schedule appointments using Ralston et al.'s online scheduling system.

As per claim 36, Ralston et al. discloses a method as recited in claim 35, wherein said method further comprises: providing a search facility that users can search for a particular service provider by searching through the on-line directory, wherein once the particular service provider is found using the search facility, said scheduling of an online appointment between a user and the particular service provider over the global computer network (see abstract and column 4, lines 17-49, an appointment is scheduled on-line with the service provider).

### *Response to Arguments*

6. As per claims 1 - 8, applicant argues that the applicant's claim 1 recites that the appointment is automatically determined by the method and not by a person. However, Ralston teaches a central server "the central scheduling server generates the appointment scheduling limitations, the limitations and the client appointment preferences are utilized in order to generate a predetermined number of appointment candidates", column 5, lines 17 - 20), wherein these appointments are generated by the central processing server, which is a machine and not a person. Furthermore, the word automatically does not appear anywhere in the language of claim 1 and nothing in the applicant's claim language of claim 1 suggests that this process is performed automatically. Therefore, this argument is outside of the claim language.

Applicant argues that the claimed invention is more versatile than the Ralston invention because applicant's invention teaches Internet accessibility. However, Ralston

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does teach the use of the Internet (“receiving the packet of client information is accomplished via the Internet, a local area network, or a wide area network”, column 3, lines 43 - 44).

Applicant argues that Ralston and/or Dean do not teach the claimed invention of a central appointments server with access to a database that stores calendars of various service providers. However, Ralston does teach a central server based system where (“each organization’s collective scheduling information begins at the scheduling system’s central schedule server”, column 4, lines 36 - 38) and (figure 1, item 80). Furthermore, Ralston does teach (“a data processing system for scheduling an appointment at a plurality of facilities”, column 3, lines 8 - 10) where client data is received by a server (“receiving a packet of client information from a client”, column 3, lines 12 - 13). Dean further teaches a memory (“a processor is connected to a memory”, column 2, lines 52 - 53) that includes (“a memory having a storage for data comprising the first calendar”, column 2, lines 47 - 48). Since the data is contained in a memory device and is organized in some way so as to be accessible, the use of a database is inherent.

As per claims 9 – 11, applicant argues that Ralston and Dean do not teach the transmit of a list of available service providers. However, Ralston does teach a list of appointments in a (“predetermined number of appointment candidates”, column 5, line 20), wherein each appointment has a service provider associated with it (“the facility at which the appointment will occur”, column 6, lines 9 - 10), wherein the names and locations of service providers is inherent within the appointment candidates, otherwise the customer would not know where and with whom the appointment was. Applicant argues that Ralston and Dean do not teach receiving the request for an appointment.

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However, (“the scheduling system prompts the client to provide client information for the purpose of scheduling an appointment”, column 4, lines 46 - 49), wherein the scheduling system is prompting the client to schedule an appointment which said system is receiving.

The applicant also argues that Ralston and Dean do not teach receiving a request for appointment availability. However, Ralston does teach (“receiving a packet of client information from a client, the client information including personal data, service data, client appointment preference data”, column 2, lines 56 - 58), wherein the received client data includes a request for an appointment in the form of appointment preference data.

The applicant also argues that Ralston and Dean do not teach determining available time slots for selected service providers. However, Ralston does teach (“generating a predetermined number of appointment candidates based upon analysis of the client’s information”, column 2, lines 63 – 65), where appointment candidates are times that are available for appointments. Applicant argues that Ralston and Dean do not teach prompting the user to enter information for the appointment after the user has established an appointment. However, Ralston does prompt the user to enter data in the form of an appointment number, a choice of confirming, canceling or modifying the appointment, and the new data to be used in the appointment modification.

As per claim 12, applicant argues that Ralston and Dean do not teach determining available appointment slots and a central appointments. However, Ralston does teach that a central (“scheduling server generates appointment candidates”, column 5, lines 27 - 28) in order to (“determine which of the facilities are available to provide the requisite services”, column 5, lines 30 - 32), where those who provide services are service providers. Applicant argues that Ralston and Dean do not teach a calendar for storing

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appointments of service provider. However, Dean does teach a calendar that stores appointments and is able to be updated when new appointment data is added. Applicant argues that Ralston and Dean do not teach the on-line appointment initially having a pending status. However, as the office action points out, it is obvious that an on-line appointment that has not yet been confirmed is inherently pending. Applicant argues that Ralston and Dean do not teach confirmation of an appointment. However, Ralston does teach confirmation of the appointment (“conforms the appointment with the facility at which the appointment is scheduled to occur”, column 6, lines 22 - 24). The system then informs the client that the appointment has been scheduled by (“a unique appointment number is transmitted to both the client at the facility at which the appointment is scheduled”, column 6, lines 25 - 27). That a time lag occurs between the request for an appointment and the appointment being scheduled is obvious, and therefore the fact that the appointment is pending is inherent in the time lag and it would be obvious to a user of ordinary skill in the art of scheduling that during this time lag the system would be in a pending state.

As per claim 13, applicant argues that Ralston and Dean do not teach the use of a computer readable medium including programming code. However, Ralston does teach (“a computer-implemented system for scheduling appointments”, column 2, lines 50 – 51), wherein computer code is inherent in a computer system.

As per claims 14 – 19, applicant argues that Ralston and Dean do not teach the user being shown the time periods that a service provider is available and scheduling appointments over the Internet. However, the Ralston system does make a user aware of available appointment time periods (“generating a predetermined number of appointment



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candidates based upon analysis of the client's information", column 2, lines 63 – 65), and the Ralston system is usable over the Internet ("receiving the packet of client information is accomplished via the Internet, a local area network, or a wide area network", column 3, lines 43 - 44).

As per claims 20, 21, 23 and 24, applicant argues that Ralston and Dean do not teach a system that makes appointments over the Internet. However, the Ralston system is usable over the Internet ("receiving the packet of client information is accomplished via the Internet, a local area network, or a wide area network", column 3, lines 43 - 44).

Applicant argues that Ralston does not permit confirmation of appointments by service providers. However, Ralston does teach that the scheduling server informs the facility of a request for an appointment and the confirmation of the appointment by the scheduling server to the user requesting an appointment. It is therefore inherent that the facility must make the scheduling server aware that the appointment has been confirmed, otherwise there would exist no way for the scheduling server to know that the appointment had been confirmed. Applicant further argues that Ralston and Dean do not teach a system that teaches a synchronization application that provides for automated review of appointments that have been requested to determine if a conflict exists and that automatically synchronizes the calendar of a service provider. However, this functionality is performed by the Ralston system, in which ("facilities communicate their availability back to the scheduling server", column 5, lines 60 -61), and ("the scheduling server communicates the various appointment candidates directly to the client", column 5, lines 64 - 65), and ("if the client wishes to select one of the appointment candidates, the client so notifies the scheduling server. If the client does not want to select any of the

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appointment candidates, an alternative set of appointment candidates is generated in the same manner as the initial set of candidates”, column 5, line 65 – column 6, line 3) and where (“Upon receipt of the client's notification as to which appointment candidate the client wishes to select, the scheduling server communicates the notification to the selected facility and the facility's remote schedule server”, column 6, lines 3 – 6). The Ralston system of reviewing available appointment, suggesting appointments, receiving requested appointments, and confirming appointments teaches the same functionality as is claimed by the applicant's invention. Furthermore, the synchronization is taught by Dean, which recites synchronizing the schedule of events on two separate calendars (“a method for reconciling two separately maintained calendars”, column 6, lines 49 - 50), checking for conflicts (“if a scheduling conflict exists with the proposed scheduling update, in step 56, it is determined whether to accept or reject the proposed scheduling update. If it is decided to reject the proposed update, in step a rejection message is transmitted to the computer. As noted above, the decision whether to accept or reject the update can be performed by the CPU”, column 6, line 66 – line 5), and synchronization in the form of reconciliation (“the CPU is also directed to cause the transmitter to transmit the scheduling update information to the computer to reconcile the computer calendar”), wherein reconcile is a form of synchronization. The combination of Ralston and Dean teach the concept of taking an appointment scheduling system for scheduling appointment between customers and service providers and incorporating a calendar interface.

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As per claim 22, applicant argues that Ralston and Dean do not teach an automatically synchronizing the calendar of a service provider in an appointment database. However, this claim has been cancelled by the applicant.

As per claims 25 - 28, applicant argues that Ralston and Dean do not teach selecting an appointment in accordance with appointment availability information of a second user. However, Dean does teach ("a method for reconciling two separately maintained calendars", column 6, lines 49 - 50). Applicant argues that Ralston and Dean do not teach a user can schedule appointment over the Internet. However, the Ralston appointment scheduling system is usable over the Internet ("receiving the packet of client information is accomplished via the Internet, a local area network, or a wide area network", column 3, lines 43 - 44). Applicant argues that Ralston and Dean do not teach a method of maintaining on-line calendars. However, Ralston does teach an on-line system that is usable over the Internet, while Dean teaches a calendar based scheduling system ("a method for reconciling two separately maintained calendars", column 6, lines 49 - 50), that uses the Internet ("the computer transmits a proposed scheduling update in e-mail form, the message is transmitted over the Internet", column 5, lines 37 - 39).

As per claims 29 - 36, applicant argues that Ralston and Dean do not teach making appointments over a global network such as the Internet. However, the Ralston invention does teach making appointment and is a device that is usable over the Internet ("receiving the packet of client information is accomplished via the Internet, a local area network, or a wide area network", column 3, lines 43 - 44). Dean teaches incorporation of a calendar interface ("a method for reconciling two separately maintained calendars", column 6, lines 49 - 50), where the calendar is able to be updated and the invention able

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to incorporate the Internet (“the computer transmits a proposed scheduling update in e-mail form, the message is transmitted over the Internet”, column 5, lines 37 - 39).

Therefore, based on the reasons stated above, the Applicant’s arguments are not found persuasive and the 35 USC § 103 rejections are maintained.

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***Conclusion***

7. THIS ACTION IS MADE FINAL. See MPEM 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). The prior art made record of and not relied upon is considered pertinent to applicant's disclosure.

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of final action.

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric Shaffer whose telephone number is (703) 305-5283. The Examiner can normally be reached on Monday-Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax number for the organization is (703) 305-0040/308-6306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 305-3900.

Eric Shaffer

May 18, 2004

  
**TARIQ R. HAFIZ**  
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